

ASSEMBLY BILL

No. 384

Introduced by Assembly Member Chesbro

February 14, 2011

An act to add Sections 4659 and 5019.6 to the Public Resources Code, relating to state forest land.

LEGISLATIVE COUNSEL'S DIGEST

AB 384, as introduced, Chesbro. State forest land: Jackson State Demonstration Forest.

Existing law authorizes the Department of Forestry and Fire Protection to engage in the management, protection, and reforestation of state forests and requires the Department of Parks and Recreation to have control of the state park system.

This bill would require the Director of General Services, subject to the approval of the Department of Forestry and Fire Protection, to grant an option to the City of Fort Bragg and the County of Mendocino for either entity to acquire title to certain property for the purpose of developing a solid waste transfer station. The bill would require, if this option is exercised, that the entity acquiring title to the property execute and record in favor of the Department of Parks and Recreation a covenant restricting the uses and activities at a specified Caspar landfill property and an option to grant ownership to that department of a specified portion of the Caspar landfill property.

The bill would also require the Department of Parks and Recreation, with the approval of the Director of General Services, to transfer a certain portion of Russian Gulch State Park to the Department of Forestry and Fire Protection, to be included as a part of the Jackson

Demonstration State Forest, if the City of Fort Bragg or the County of Mendocino exercises that option.

The bill would also provide that if successful development and operation of a solid waste transfer station does not occur 10 years from the date of recordation of the transfer document, the title to the property would revert back to the Department of Forestry and Fire Protection and the entity acquiring title would be required to reimburse the state for the administrative costs incurred by the state to process the reversionary documents.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The City of Fort Bragg and the County of Mendocino seek
4 to improve solid waste management in the greater Fort Bragg area
5 by developing a commercial transfer station capable of efficiently
6 managing all solid waste generated in the vicinity.

7 (b) Following a comprehensive siting study, a potential site of
8 approximately 17 acres was identified for a transfer station located
9 within a portion of the Jackson Demonstration State Forest, on its
10 northern boundary.

11 (c) The Board of Forestry and Fire Protection adopted a
12 resolution on April 6, 2010, that stated that transfer of this site to
13 the city or county would not cause significant adverse
14 programmatic impacts to the Jackson Demonstration State Forest.

15 (d) The Jackson Demonstration State Forest shall be
16 compensated for loss of the approximately 17-acre site by transfer
17 of 12.6 acres in Russian Gulch State Park, which is separated from
18 the remainder of the state park by a county road.

19 (e) Russian Gulch State Park shall be compensated, in turn, for
20 loss of the 12.6 acres specified in subdivision (d) by the grant of
21 a restrictive covenant on 60 acres of city and county property on
22 the north boundary of the state park, which is currently a closed
23 landfill and small volume transfer station, whose continued
24 operation causes undesirable impacts on the state park, and by an
25 option to buy 35 acres of the city and county property.

1 (f) The interests and welfare of the state will be advanced by
2 granting an option to the city and the county to take title to the
3 Jackson Demonstration State Forest site, subject to the additional
4 terms described in subdivisions (d) and (e), if the city and the
5 county complete a site selection process and environmental review
6 that finds that this site shall be the selected alternative.

7 SEC. 2. Section 4659 is added to the Public Resources Code,
8 to read:

9 4659. (a) For purpose of this section, the following definitions
10 shall apply:

11 (1) "City" means the City of Fort Bragg.

12 (2) "County" means the County of Mendocino.

13 (3) "Entity acquiring title" means either the city or the county,
14 whichever exercises the option specified in subdivision (c) to take
15 title to the property.

16 (4) "Property" means the certain real property described as the
17 easterly 17 acres, more or less, of that portion of Mendocino
18 County Assessor's Parcel Number 019-150-05 which is north of
19 State Highway 20, located in a portion of the Jackson
20 Demonstration State Forest.

21 (5) "Solid waste transfer station" has the same meaning as
22 transfer station, as defined in Section 40200.

23 (b) Notwithstanding any other law, the Director of General
24 Services, subject to the approval of the Department of Forestry
25 and Fire Protection, shall grant an option to the city or to the
26 county, for either entity to acquire title to the property for the
27 purpose of developing a solid waste transfer station.

28 (c) The option agreement shall have a term of five years, from
29 the date of execution, for the city or county to exercise the option
30 and take title to the site.

31 (d) Following the transfer of title, the entity acquiring title shall
32 complete the development of, and open, a solid waste transfer
33 station no later than 10 years from the date of recordation of the
34 transfer document or the title to the property shall revert back to
35 the Department of Forestry and Fire Protection and the entity shall
36 reimburse the state for the administrative costs incurred by the
37 state to process the reversionary documents.

38 (e) If the entity acquiring title to the property is successful in
39 opening a solid waste transfer station on the site, all delivery and
40 acceptance of solid waste shall cease at the existing Caspar landfill

1 property, also known as Mendocino County Assessor's Parcel
2 Numbers 118-500-10 and 118-500-11.

3 (f) If the option to acquire the property is exercised, the entity
4 acquiring title to the property shall execute and record in favor of
5 the Department of Parks and Recreation both of the following:

6 (1) A covenant restricting the uses and activities at the Caspar
7 Landfill property to prevent any significant nuisance impacts on
8 Russian Gulch State Park. The form of this restrictive covenant
9 shall be approved, prior to recordation, by the Department of Parks
10 and Recreation.

11 (2) An option with a term of 99 years and a price of one dollar
12 (\$1.00) to grant ownership of the westernmost 35 acres of the
13 Caspar landfill property, described in subdivision (e), with road
14 access to that property.

15 (g) The entity acquiring title to the property shall reimburse the
16 state for the difference in the appraised value of the assets that are
17 to be exchanged, if the state is found to be receiving less value,
18 and for reasonable administrative costs incurred to complete the
19 transfer of title.

20 (h) The entity acquiring title of the property shall be solely
21 responsible for compliance with the California Environmental
22 Quality Act (Division 13 (commencing with Section 21000)) in
23 connection with the transfer of property ownership and
24 development of the solid waste transfer station.

25 (i) The exchange of lands carried out pursuant to this section
26 and Section 5019.6 shall be based on current fair market value and
27 subject to the terms and conditions, and with the reservations,
28 restrictions, and exceptions that, in the opinion of the Director of
29 General Services, are in the best interests of the state, including
30 the condition that the exchange shall result in no net cost or loss
31 to the state.

32 SEC. 3. Section 5019.6 is added to the Public Resources Code,
33 to read:

34 5019.6. If the City of Fort Bragg or the County of Mendocino
35 exercises the option to take title to a portion of the Jackson
36 Demonstration State Forest pursuant to Section 4659, the
37 Department of Parks and Recreation, with the approval of the
38 Director of General Services, shall transfer to the Department of
39 Forestry and Fire Protection jurisdiction over that portion of
40 Russian Gulch State Park northeast of Mendocino County Road

- 1 409, being 12.6 acres, more or less, and being a portion of
- 2 Mendocino County Assessor's Parcel Number 118-520-02, to be
- 3 included as a part of the Jackson Demonstration State Forest.

O